enjoin the unconscionable use of a legal right. *Clement* v. *Wheeler*, 25 N. H. 361. Thus where the corporate device is employed to do something which the shareholders could not do, courts may disregard the fiction that the corporation is an independent person, and enjoin the continuance of such action. *United States* v. *Milwaukee Refrigerator Transit Co.*, 142 Fed. 247; *Northern Securities Co.* v. *United States*, 193 U. S. 197. In the principal case, upon disregarding the corporate fiction of the coal company it appears that in substance the defendant is transporting its own goods.

CORPORATIONS — TORTS AND CRIMES — LIABILITY FOR SLANDER OF AGENT. — The plaintiff in his declaration alleged, in substance, that an agent of the defendant corporation, in the course of his business, slandered the plaintiff, but he did not allege that the defendant authorized the slander. *Held*, that the declaration discloses no cause of action. *Jackson* v. *Atlantic Coast Line R. Co.*, 69 S. E. 919 (Ga.).

There is a conflict of authority on the question whether any principal is liable for the slander of his agent, not authorized by him. See 23 HARV. L. REV. 304. And where the principal is a corporation, some cases deny its liability on the ground that it has not the capacity to commit this particular tort. See *Behre* v. *National Cash Register Co.*, 100 Ga. 213, 214. But, it is submitted, there is no sound reason why a corporation should not be held; and some authorities take this view. See *Empire Cream Separator Co.* v. *De Laval Dairy Supply Co.*, 75 N. J. L. 207.

ELECTIONS — CONSTITUTIONALITY OF COMMON PROVISIONS IN PRIMARY ELECTION ACTS. — A statute provided that unless the aggregate vote cast for all candidates for nomination on a party ballot for one office should equal twenty per cent of the vote cast by that party for governor at the last general election, such party should not have a party nominee for that office on the official ballot. *Held*, that the act is constitutional. *State ex rel. McGrael v. Phelps*, 128 N. W. 1041 (Wis.).

A statute provided that unless the aggregate vote cast for all candidates for a particular office at the primary should equal thirty per cent of the number of votes cast by that party for secretary of state at the last general election, no nomination should be made by that party for such office. *Held*, that the act is unconstitutional. *State ex rel. Dorval* v. *Hamilton*, 129 N. W. 916 (N. D.). See NOTES, p. 659.

ELECTIONS — ELECTION CONTEST — DISCONTINUANCE OF SUIT. — A statute provided that an election might be contested by any thirty voters who should file a petition in the Supreme Court. A petition signed by thirty-one voters was filed, but, before issue joined, two petitioners moved to discontinue the suit as to them. A motion to amend by adding other petitioners was denied, and the suit dismissed. *Held*, that the court lost jurisdiction of the cause by the withdrawal of the two petitioners, and the suit was properly dismissed. *Bright* v. *Fern*, 20 Haw. 325.

The result reached here is at variance with the few authorities that bear on the question involved. It is generally held that an election contest is not an adversary proceeding, but a matter in the outcome of which the public has an interest. *Minor* v. *Kidder*, 43 Cal. 229; *Coppock* v. *Bower*, 4 M. & W. 361. See MCCRARY, ELECTIONS, § 454. This view is most reasonable, as the statutory remedy has been held to supersede the common-law proceeding of *quo warranto*. *Parks* v. *State*, 100 Ala. 634; *Commonwealth* v. *Leech*, 44 Pa. St. 332. The right of the remaining petitioners to continue the contest is supported by two lines of reasoning. The first class of cases holds that jurisdiction of the cause attaches at the filing of the petition and is not ousted by the subsequent